

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Volha Shauchenka	Team: Squad #15	CCRB Case #: 201705464	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 06/29/2017 6:50 PM	Location of Incident: Inisde § 87(2)(b)	Precinct: 113	18 Mo. SOL 12/29/2018	EO SOL 12/29/2018	
Date/Time CV Reported Fri, 06/30/2017 8:07 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 07/05/2017 12:05 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Alexander Taveras	07949	947952	NARCBQS
2. Officers			NARCBQS
3. An officer			NARCBQS
4. LCD Philip Marks	00000	901913	NARCBQS
5. DT3 Luis Martinez	6148	945959	NARCBQS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Ehtasham Khan	02329	945878	NARCBQS
2. POM Steven Acevedo	16469	949959	NARCBQS
3. DT3 Michael Yu	6557	947625	NARCBQS
4. SGT Terence Curran	02389	902731	NARCBQS
5. DT3 Ramon Garcia	6082	947650	NARCBQS
6. POM George Bodenmiller	27036	936223	NARCBQS
7. POM Nicholas Turco	18276	950620	NARCBQS

Officer(s)	Allegation	Investigator Recommendation
A.POM Alexander Taveras	Abuse: Police Officer Alexander Taveras entered and searched § 87(2)(b) in Queens.	
B.POM Alexander Taveras	Abuse: Police Officer Alexander Taveras entered the basement of § 87(2)(b) in Queens.	
C.POM Alexander Taveras	Abuse: Police Officer Alexander Taveras entered and searched § 87(2)(b) in Queens.	

Officer(s)	Allegation	Investigator Recommendation
D. An officer	Force: Inside § 87(2)(b) in Queens, an officer used physical force against § 87(2)(b)	
E.DT3 Luis Martinez	Force: Inside § 87(2)(b) in Queens, Detective Luis Martinez used physical force against § 87(2)(b)	
F.LCD Philip Marks	Abuse: Inside § 87(2)(b) in Queens, Lieutenant Philip Marks failed to show the search warrant to § 87(2)(b)	
G.DT3 Luis Martinez	Discourtesy: Inside § 87(2)(b) in Queens, Detective Luis Martinez spoke discourteously to § 87(2)(b)	
H.DT3 Luis Martinez	Discourtesy: Inside § 87(2)(b) in Queens, Detective Luis Martinez spoke discourteously to § 87(2)(b)	
I.LCD Philip Marks	Abuse: Inside § 87(2)(b) in Queens, Lieutenant Philip Marks refused to provide his name to § 87(2)(b)	
J. An officer	Abuse: Inside § 87(2)(b) in Queens, an officer refused to provide his name to § 87(2)(b)	
K. An officer	Abuse: Inside § 87(2)(b) in Queens, an officer failed to show the search warrant to § 87(2)(b)	
L. Officers	Abuse: Officers damaged § 87(2)(b)'s property.	
M. An officer	Abuse: An officer seized § 87(2)(b)'s property.	

Case Summary

On June 30, 2017, § 87(2)(b) filed this complaint on behalf of herself and her sons § 87(2)(b) and § 87(2)(b) who was § 87(2)(b) old at the time of the incident. § 87(2)(b) and § 87(2)(b) another victim of the incident, were uncooperative with the investigation [BR 26].

On June 29, 2017, at 6:50 p.m., Det. Alexander Taveras, Det. Luis Martinez, Lt. Philip Marks and other members of their team from Narcotics Borough Queens South entered and searched § 87(2)(b)'s apartment § 87(2)(b), basement, and apartment § 87(2)(b) at § 87(2)(b) in Queens pursuant to a Queens County Search Warrant § 87(2)(b) obtained by Det. Taveras (**Allegations A, B, and C: Abuse of Authority, § 87(2)(g)**). An unidentified officer allegedly pushed § 87(2)(b) to the floor, while Det. Martinez allegedly pushed § 87(2)(b) (**Allegations D and E: Force, § 87(2)(g)**). Lt. Marks allegedly failed to show the search warrant to § 87(2)(b) and Det. Martinez allegedly told § 87(2)(b) and § 87(2)(b) “Both of you shut the fuck up,” when they were allegedly asking for the search warrant (**Allegation F: Abuse of Authority, § 87(2)(g)**; **Allegations G and H: Discourtesy, § 87(2)(g)**). Lt. Marks and an unidentified officer allegedly refused to provide their names to § 87(2)(b) (**Allegations I and J: Abuse of Authority, § 87(2)(g)**). During the incident, unidentified officers allegedly made holes in interior doors of apartment § 87(2)(b) and the basement, took the basement door of the hinges, broke a bedframe in apartment § 87(2)(b), made holes in the walls inside apartment § 87(2)(b) and § 87(2)(b) and seized § 87(2)(b)'s keys to apartment § 87(2)(b) (**Allegations K and L: Abuse of Authority, § 87(2)(g)**).

There is no video recording of the incident.

At the time of the incident, Det. Taveras held the rank of a police officer.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Alexander Taveras entered and searched § 87(2)(b) in Queens.

Allegation (B) Abuse of Authority: Police Officer Alexander Taveras entered the basement of § 87(2)(b) in Queens.

Allegation (C) Abuse of Authority: Police Officer Alexander Taveras entered and searched § 87(2)(b) in Queens.

It is undisputed that Det. Taveras and other members of his team entered and searched § 87(2)(b)'s apartments § 87(2)(b), § 87(2)(b) and the basement of § 87(2)(b) § 87(2)(b) [BR05, 06, 18, 19, 20, 21, 22, 23, 24]. *See photos* [BR 12 - 17]. In addition, § 87(2)(b) alleged that officers entered with their guns drawn. § 87(2)(g)

The Queens County “no-knock” Search Warrant #§ 87(2)(b) issued by the Honorable Judge § 87(2)(b) on § 87(2)(b) permitted entry into and search of § 87(2)(b) in Queens, a “single family, two story detached house with the numbers § 87(2)(b) written under the single mailbox next to the front door of the house” for various narcotics and paraphernalia, records of controlled substances transactions, and U.S. currency used to purchase controlled substances [NYPD 16].

A valid New York County Search Warrant issued by the Criminal Court may be executed pursuant its terms. N.Y. S. Criminal Procedure Law 690.50, NYPD Patrol Guide Procedure 221-17 [BR 28, 29].

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Allegation (D) Force: Inside § 87(2)(b) in Queens, an officer used physical force against § 87(2)(b)

Allegation (E) Force: Inside § 87(2)(b) in Queens, Detective Luis Martinez used physical force against § 87(2)(b)

During his verified statement to the CCRB, § 87(2)(b) testified that upon the entry, officers instructed everyone to get down to the floor [BR 05]. As § 87(2)(b) was getting to the floor, an officer who he did not see grabbed him by the back of his shirt and pushed him towards the floor with his hand. § 87(2)(b) landed on his chest and put his face on his left cheek. He did not feel any pain nor did he sustain any injuries from that. § 87(2)(b) did not make this allegation in his phone statement to the CCRB [BR 02]. § 87(2)(b) did not indicate he observed any officers push anyone else inside the apartment.

When interviewed at the CCRB, § 87(2)(b) indicated that everyone except for § 87(2)(b) § 87(2)(b) complied with the officers' commands to get to the floor and did not allege observing any officers use force towards § 87(2)(b) [BR 06]. However, he noted that an officer described as a Hispanic male with light brown skin, 5'7" – 5'8" tall, husky, bald, in his 30s – mid - 40s, grabbed § 87(2)(b) by his arm and pushed him to the floor in his back. § 87(2)(b) landed on his right shoulder and right side of his face. He did not complain of any pain or injury but yelled, "Aaa." § 87(2)(b) did not observe any injuries to § 87(2)(b) § 87(2)(b) did not allege this in his preceding statement to the CCRB [BR 02].

During his unverified phone statement, § 87(2)(b) noted that he was thrown to the floor by an officer described as a white male, 5'9" tall, chunky, balding, in his 30s, wearing a helmet and shield, which he later took off [BR 06]. § 87(2)(b) felt pain from being thrown to the floor. He also noted that an officer threw § 87(2)(b) to the ground.

In his unverified phone statement to the CCRB, § 87(2)(b) stated that everyone complied with the officers' commands to get to the floor, and she did not observe any officers push anyone [BR 07].

Det. Martinez stated that he was assigned as bunker two security and was the fourth officer to enter the location [BR 20]. Det. Martinez confirmed that all the civilians were instructed to get to the floor, but he did not recall if they did so on their own volition. Det. Martinez did not recall if he handcuffed any of the civilians and believed he proceeded further into the house following his shield operator. Det. Martinez denied using any force towards the civilians nor did he indicate that other officers did so. Det. Martinez noted that sometimes, if needed, he can handcuff civilians during entries.

Sgt. Ehtasham Khan testified that he was the first officer to enter, and § 87(2)(b) § 87(2)(b) and § 87(2)(b) were handcuffed by a group of officers whose assignment it was to handcuff people, but he did not recall who that was [BR 18]. Sgt. Khan did

not observe any officers use any force towards the civilians and noted they were compliant during the handcuffing. Sgt. Khan denied using force against them as well.

PO George Bodenmiller indicated that none of the civilians had a chance to get to the floor on their own volition because the incident was unfolding very quickly [BR 19]. He added that an entry and handcuffing normally happen very fast and civilians are not quick to react. PO Bodenmiller approached one male who had not been handcuffed and guided him to the ground. PO Bodenmiller did not use any excessive force towards the individual nor did they complain of any pain or injury. PO Bodenmiller did not observe any injuries to that person afterwards. PO Bodenmiller did not believe he was the one who handcuffed § 87(2)(b) PO Bodenmiller did not observe any of his partners use any excessive force towards the civilians and noted that none of them were thrown to the floor or beaten up. PO Bodenmiller did not recall who the other officers who handcuffed the civilians were.

Det. Steven Acevedo, who was assigned as bunker one security, indicated that upon entry, he remained in the living room while other officers, he did not recall who, handcuffed the civilians [BR 21]. Det. Acevedo did not believe he participated in the handcuffing and denied pushing any civilians to the floor. Det. Acevedo did not observe any other officers do so either.

Det. Taveras, assigned as bunker one, testified that he was the first to enter and bypassed the civilians who got to the ground [BR 22]. Det. Taveras did not know who handcuffed them, but believed those might have been the officers assigned to handcuffing. Det. Taveras did not observe any officers push or use any force towards the civilians.

Det. Ramon Garcia, who was assigned as a handcuffing officer, indicated that he was the sixth officer to enter the location and upon entry, he observed § 87(2)(b) and § 87(2)(b) on the floor [BR 23]. Det. Taveras and other officers who Det. Garcia did not recall were in the process of handcuffing the civilians who were complaint. Det. Garcia did not recall assisting the officers at that time and denied using any physical force against the civilians. Det. Garcia did not observe any officers do so either.

Lt. Marks stated that he was in the back of the stack during the entry and he observed four civilians in handcuffs on a couch in one of the rooms [BR 24]. Lt. Marks did not recall which officers were near the civilians at the time nor did he recall where he was when they were handcuffed. Lt. Marks elaborated that most of the time the civilians are already handcuffed by the time he enters a target location. Lt. Marks did not observe any officers push any civilians to the floor nor did he use any force towards them.

No Threat, Resistance, or Injury Reports were prepared in regards to the incident.

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Allegation (F) Abuse of Authority: Inside § 87(2)(b) in Queens, Lieutenant Philip Marks failed to show the search warrant to § 87(2)(b)

Allegation (G) Discourtesy: Inside § 87(2)(b) in Queens, Detective Luis Martinez spoke discourteously to § 87(2)(b)

Allegation (H) Discourtesy: Inside § 87(2)(b) in Queens, Detective Luis Martinez spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that he asked the officers to see some paperwork that allowed them to enter the house, and they called Lt. Marks, who he believed was a supervisor [BR 05]. § 87(2)(b) described the subject officer as a white male, 5'8" tall, chubby, gray/blond hair, possibly wearing glasses, in his 40s. § 87(2)(b) asked him if he could see the search warrant, and Lt. Marks replied, "I'll get to that in a bit. You guys have to wait until we're done with the search since you guys don't want to comply." Lt. Marks never showed § 87(2)(b) the search warrant. § 87(2)(b) did not indicate that anyone else besides him asked for the search warrant. At the stationhouse, § 87(2)(b) and § 87(2)(b) were given a copy of the search warrant to sign, which they did. § 87(2)(b) did not read the search warrant because he was mad. § 87(2)(b) was consistent in his testimony regarding this part of the incident in his phone statement to the CCRB except for the fact that he indicated in it that § 87(2)(b) also asked for the search warrant [BR 02]. § 87(2)(b) did not allege that any of the officers used profanity towards him or other civilians on the scene.

§ 87(2)(b) alleged that he and § 87(2)(b) were asking Det. Martinez what was happening multiple times and where the warrant was [BR 06]. He described the subject officer as a Hispanic male with light brown skin, 5'7" – 5'8" tall, husky, bald, in 30s – mid 40s. Det. Martinez allegedly replied, "Both of you, shut the fuck up." § 87(2)(b) confirmed that he and both his brothers were given the search warrant to sign at the stationhouse. § 87(2)(b) was largely consistent regarding this part of the incident in his phone statement to the CCRB [BR 02].

During his unverified phone statement to the CCRB, § 87(2)(b) noted that § 87(2)(b) asked multiple officers to see the search warrant, but none was shown to anyone [BR 02].

In her unverified phone statements, § 87(2)(b) corroborated § 87(2)(b)'s and § 87(2)(b)'s testimonies in regards to the search warrant [BR 04, 07]. She did not recall hearing any officers use any profanity towards anyone on the scene.

Lt. Marks testified that he did not recall any civilians inside the house request to see the search warrant nor did he show it to them [BR 24]. Lt. Marks denied refusing to show the search warrant to them either. He did not recall if the warrant was shown to the civilians at the stationhouse. Lt. Marks did not hear any officers tell § 87(2)(b) and § 87(2)(b) to "shut the fuck up," or use any other profanity towards them.

Det. Martinez did not hear any civilians ask for a copy of the search warrant nor did he hear any officers refuse to show it to them [BR 20]. Det. Martinez denied having any conversation with § 87(2)(b) and § 87(2)(b) or using any profanity towards them. Det. Martinez noted that a sergeant, a lieutenant and a captain were all at the location and that the situation was very controlled and supervised.

Sgt. Khan and PO Bodenmiller testified that they did not recall hearing any of the civilians ask for the search warrant, but believed it was eventually shown to them since that is a standard procedure [BR 18, 19]. Sgt. Khan did not hear any officers use profanity towards § 87(2)(b) and § 87(2)(b) either.

Allegation (I) Abuse of Authority: Inside § 87(2)(b) in Queens, Lieutenant Philip Marks refused to provide his name to § 87(2)(b)

Allegation (J) Abuse of Authority: Inside § 87(2)(b) in Queens, an officer refused to provide his name to § 87(2)(b)

Allegation (K) Abuse of Authority: Inside § 87(2)(b) in Queens, an officer failed to show the search warrant to § 87(2)(b)

§ 87(2)(b) alleged that at some point, he asked Lt. Marks for his name [BR 05]. Lt. Marks only showed his shield without providing his name. Although § 87(2)(b) was approximately three feet away from Lt. Marks and saw the numbers on his shield, he did not remember them. § 87(2)(b) also asked an officer who was asking § 87(2)(b) some questions for his name, and the officer replied, “When I’m done,” without pointing at his shield. However, he later told his name to § 87(2)(b) at the stationhouse, but § 87(2)(b) did not recall it. He described the officer as a white male, 5’8” tall, husky, black hair, in his early 30s. Sometime later, when the same officer was taking down their personal information, § 87(2)(b) asked him if he could get the search warrant. The officer replied, “No, wait until I’m done with your brother.” The officer did not show § 87(2)(b) the search warrant. Although in his phone statement to the CCRB, § 87(2)(b) noted he asked several officers to show him the search warrant, which they failed to do, he did not allege that any officers refused to provide their names to him [BR 02].

§ 87(2)(b) did not corroborate § 87(2)(b)’s allegations in his verified statement to the CCRB [BR 06].

Neither § 87(2)(b) nor § 87(2)(b) corroborated § 87(2)(b)’s allegations in their unverified phone statements [BR 02, 04, 07]. Their testimonies regarding the failure to show the search warrant allegation are discussed in the previous section.

Lt. Marks acknowledged that he briefly interacted with § 87(2)(b) and § 87(2)(b) after the entry, when he asked them how old they were and where their mother was [BR 24]. They started screaming and were verbally noncompliant, and Lt. Marks ignored their behavior and moved on. He did not recall if any civilians asked him any questions, and stated that none of the civilians asked for his name. Lt. Marks did not recall hearing the civilians ask other officers for their information. Neither Lt. Marks nor other officers refused to provide their information to the civilians.

Sgt. Khan, PO Bodenmiller, Det. Martinez, Det. Garcia all indicated they did not hear any civilians ask for the names of the officers nor did they hear any officers refuse to provide that information to them [BR 18, 19, 20, 23]. They denied refusing to provide their names and shield numbers to the civilians as well.

Det. Acevedo testified that no one asked for his name and shield number nor did he refuse to provide that information to the civilians [BR 21]. Det. Acevedo did not hear any officers refuse to provide their information either.

Det. Taveras testified that no one asked for his shield number [BR 22].

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the one who took the keys to apartment § 87(2)(b) from § 87(2)(b) but he was not aware what happened with them after the incident and believed they were vouchered.

Det. Taveras testified that he was the officer who searched the premises and during that process, he moved a couch, a coffee table, beds in two bedrooms and drawers [BR 22]. He denied inflicting any damage to the property inside the house, and noted that all the furniture in the house looked unsafe, clarifying that a sofa in the basement was broken. Det. Taveras stated that no other officers touched the furniture. Det. Taveras corroborated Sgt. Khan's testimony that no interior doors were breached during the incident. Although Det. Taveras admitted to going into apartment § 87(2)(b) together with Sgt. Khan, he stated the door to the unit was open. Det. Taveras denied using any keys to gain access to apartment § 87(2)(b). He believed that none of the officers took any keys from the civilians and used them to enter the location. Det. Taveras denied seizing the keys from the civilians nor was he aware if any other officers did so.

PO Bodenmiller, Det. Martinez, Det. Acevedo, Det. Garcia did not admit to damaging any property inside § 87(2)(b)'s apartments and the basement or observing any officers do so [BR 19, 20, 21, 23]. In addition, none believed that any interior doors had to be breached during the entry. None believed that apartment § 87(2)(b) was entered and none observed any officer use a key to enter the location or took the keys themselves.

Lt. Marks' testimony was largely consistent with the rest of the officers in regards to the damaged property allegations [BR 24]. He confirmed that Sgt. Khan was the one who entered apartment § 87(2)(b) with the keys, but he was unaware what happened to them nor did he ever have them in his possession.

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Civilian and Officer CCRB Histories

- § 87(2)(b) has filed another CCRB complaint § 87(2)(b) [BR 30].
- This is a first CCRB complaint filed on behalf of § 87(2)(b) and § 87(2)(b) [BR 30].
- This is a first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) [BR 30].
- Det. Taveras has been a member of the service for nine years and has seven previous CCRB complaints filed against him containing six allegations none of which were

- Det. Martinez has been a member of the service for 10 years and has eight other CCRB complaints filed against him containing 11 allegations none of which were substantiated. Det. Martinez has three previous force allegations pleaded against him:
 - In case #201109019, a physical force allegation was closed as alleged victim unavailable.
 - In case #201500065, a use of pepper spray allegation was closed as complainant unavailable.
 - In case #201607267, allegations of physical force and use of nightstick as club were closed as complainant uncooperative.
- Lt. Marks has been a member of the service for 25 years and has seven other CCRB complaints filed against him containing 14 allegations none of which were substantiated

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- The case is unsuitable for mediation due to the arrests associated with the incident.
- None of the victims in the case have filed a Notice of Claim with the City of New York as of January 26, 2018 with regard to the incident [BR 25].
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[illegible]

Although § 87(2)(b) alleged that an officer who took the keys for apartment § 87(2)(b) told him that he was going to break down the door if § 87(2)(b) did not give the keys, § 87(2)(b) the officers were executing a “no-knock” search warrant that authorized the entry to and search of the

entire house, § 87(2)(g) [REDACTED]
[REDACTED]

Squad No.: 15

Investigator: _____ _____ _____
 Signature Print Title & Name Date

Squad Leader: _____ _____ _____
 Signature Print Title & Name Date

Reviewer: _____ _____ _____
 Signature Print Title & Name Date